



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/749,205 | 12/27/2000 | Hideki Shimomura | 450100-02915 | 5280 |

20999 7590 05/23/2006

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

JACKSON, JAKIEDA R

ART UNIT PAPER NUMBER

2626

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 09/749,205 | Applicant(s) SHIMOMURA ET AL. | |
| | Examiner Jakieda R. Jackson | Art Unit 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 24, 2005 has been entered.

Response to Arguments

2. Applicants argue that Fukui does not disclose or suggest that each of a plurality of items included in said second information is assigned at least two values, one indicating a knowledge level of said user and one indicating a knowledge level of said conversation processing apparatus, wherein said values vary during the conversation as a function of content of the conversation. Applicants point out the Fukui, specifically column 46, lines 30-36, disclose that the agent retrieves information about what level of detail that can be shared between agent and user is dependent on the level of intimacy that is retrieved by the agent prior to conversation. Applicant further explains that the cited portion of Fukui does not disclose that the level of intimacy varies during the conversation as a function of content of the conversation.

Fukui does teach that when the information provider and the user are more intimate, the number of shared topics is large and to the contrary, lower intimacy discloses of only general topics. However, the information disclosure range changes

Art Unit: 2626

depending on the types of topics (column 46, lines 43-45). That is, the conversation varies based on the function of the conversation. Besides, Sample 1, column 52, lines 31-64, show that the values vary during the conversation as a function of the conversation.

Therefore, applicant's arguments have been considered but are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Fukui et al. (U.S. Patent No. 5,918,222).

Regarding **claims 1, 10 and 11**, Fukui discloses a conversation processing apparatus, method and recording medium for holding a conversation with a user, comprising:

a providing step of providing, to a remote location (figure 8), one or more user profiles as a function of user preferences (column 22, lines 11-49);

first storage means for storing a plurality of pieces of first information concerning a plurality of topics (figure 94 with column 46, lines 15-16), the topics being a function

Art Unit: 2626

of one or more user profiles provided by the apparatus (personal relationship between information provider and user; figure 94 and column 46, lines 30-60);

second storage means for storing (grasping) second information concerning a present topic being discussed (current status of demander interacting with the information disclosing apparatus; column 20, lines 46-51 with column 35, lines 14-16);

wherein each of a plurality of items included in said second information is assigned at least two values (minimum value of 0 and maximum value of 1; column 61, lines 17-22), one indicating a knowledge level of said user (degree of familiarity of the user to the data; column 61, lines 39-41) and one indicating a knowledge level of said conversation processing apparatus (selects information in accordance with the values of the right and the degree of familiarity; column 63, lines 16-27),

wherein said values vary during the conversation as a function of content of the conversation (column 46, lines 30-45);

determining means for determining whether to change the topic (emotion check; column 52, lines 18-19);

selection means for selecting, when said determining means determines to change the topic (emotion check indicates user reaction to change topic; column 52, lines 16-25), a new topic to change to from among the topics stored in said first storage means (column 52, lines 16-49); and

changing means for reading the first information concerning the topic selected by said selection means from said first storage means (figure 94) and for changing the

topic by storing the read information in said second storage means (column 52, lines 16-49).

Regarding **claim 2**, Fukui discloses a conversation processing apparatus, method and recording medium, further comprising:

third storage means for storing a topic which has been discussed with the user in a history (history storage unit; column 40, lines 48-63);

wherein said selection means selects, as the new topic, a topic other than those stored in the history in said third storage means (information added with new information; column 34, lines 2-5 with column 35, lines 14-24).

Regarding **claim 3**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein, when said determination means determines to change the topic in response to the change of topic introduced by the user (column 52, lines 19-25 and 47-49), said selection means selects a topic which is the most closely related (map to lecture meeting) to the topic introduced by the user from among the topics (show me the map) stored in said first storage means (column 52, lines 47-49).

Regarding **claim 4**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein:

the first information (schedule) and the second information (conference) include attributes which are respectively associated therewith (figure 93);

said selection means selects the new topic (extracts interest information; column 35, lines 53-61) by computing a value based on association between the attributes of

each piece of the first information (current information) and the attributes of the second information (history information) and selecting the first information with the greatest value as the new topic (desired information estimated with higher precision; column 35, lines 14-24).

Regarding **claim 5**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein the attributes include at least one of a category (figure 93) or a time (figure 24 with column 28, lines 14-16).

Regarding **claim 6**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein the value based on the association between the attributes of the first information and the attributes of the second information (keywords) is stored in the form of a table (figure 8), said table being updated (column 22, lines 38-41 and column 38, lines 64-67).

Regarding **claim 7**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein, when selecting the new topic using the table (table), said selection means weights the value in the table for the first information (current information) having the same attributes as those of the second information (history information) and uses the weighted table (table; column 35, lines 14-24), thereby selecting the new topic (extracts interest information; column 35, lines 53-61 with column 49, lines 51-67 and column 50, lines 50-53).

Regarding **claim 8**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein the conversation (interactive operations) is held orally (speech; column 46, lines 13-15)

Regarding **claim 9**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein said conversation processing apparatus (speech medium) is included in a robot (a computer; column 12, lines 1-2).

Regarding **claim 12**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein one or more user profiles are updated as a function of information communicated during conversation with an associated user (user information updated in every conversation; column 3, lines 24-30 with column 22, lines 35-49).

Regarding **claim 13**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein the determining means for determining whether to change the topic utilizes utterances from the user (emotion check determines based on the conversation whether or not to change the topic; column 52, lines 16-30).

Regarding **claim 14**, Fukui discloses a conversation processing apparatus, method and recording medium, further comprising:

communication means for acquiring additional information on currently stored topics (acquired information on specific topics; column 47, lines 50-56) and on a plurality of new topics (topics located before and after the present topic) that relate to one or more learned user preferences (column 50, lines 46-53 with column 46, lines 30-45).

Regarding **claim 15**, Fukui discloses a conversation processing apparatus, method and recording medium, wherein said user profiles include at least a numerical

value for each of said plurality of topics, indicating a preference level to the user
(column 46, line 30 – column 47, line 10).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ
May 16, 2006


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600